

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EVE WEXLER, individually and on)
behalf of a class,)
Plaintiff,)
v.) Civil Action No.
SIMMONS BANK,) 1:22-cv-02741-AT-CMS
Defendant.)
)

**CONSENT MOTION FOR 21-DAY EXTENSION OF TIME FOR
DEFENDANT SIMMONS BANK TO RESPOND TO THE COMPLAINT
DUE TO WAITING ON THIRD PARTY INVESTIGATION**

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), Defendant Simmons Bank (“Simmons” or “Defendant”) respectfully requests, with the consent of Plaintiff Eve O. Wexler (“Wexler” or “Plaintiff”), an additional 21-day extension of time, through and including Wednesday, November 16, 2022, to file an answer, motion or other responsive pleading in this action. In support of this Consent Motion, Simmons shows the Court as follows:

1. Wexler filed her putative Class Action Complaint (“Complaint”) in this action on July 12, 2022. (Doc. 1.)

2. The Complaint contains complex allegations regarding the ownership and servicing of Plaintiff's Home Equity Line of Credit. (Doc. 1 at ¶¶ 3 – 20.) The Complaint purports to allege wrongdoing on behalf of two presumably nationwide classes of "borrowers," which she alleges contains "at least hundreds of class members" each.¹ (*Id.* at ¶¶ 49 - 52.)

3. Simmons previously received three initial extensions through October 26, 2022 to file an answer, motion or other responsive pleading. (Doc. 6, 8, 10.)

4. Simmons has been attempting to obtain information from a third party concerning Plaintiff's allegations to facilitate a potential resolution, and is expecting a substantive response within the time period of this requested additional extension.

5. Simmons now respectfully requests an additional three weeks to continue to investigate the allegations in the Complaint concerning the circumstances of individual putative class members' home equity lines of credit, discuss a potential resolution with Plaintiff's counsel, evaluate jurisdictional issues, and prepare the appropriate filings.

¹ Simmons does not admit that any of the allegations are correct and reserves its right to assert all available defenses to Plaintiff's claims, including the purported putative class claims and all jurisdictional-based defenses.

6. Simmons's counsel corresponded with Plaintiff's counsel on October 25, 2022, and Plaintiff's Counsel indicated that she consents to this Motion.

WHEREFORE, Defendant Simmons Bank respectfully requests an additional 21-day extension of time through and including November 16, 2022 to answer, move, plead, object, or otherwise respond to Plaintiff's Complaint. A proposed order is attached for the Court's convenience.

Respectfully submitted this 25th day of October, 2022.

PARKER, HUDSON, RAINER & DOBBS, LLP

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing CONSENT
MOTION FOR EXTENSION OF TIME FOR DEFENDANT SIMMONS
BANK TO RESPOND TO THE COMPLAINT DUE TO WAITING ON
THIRD PARTY INVESTIGATION using the Court's CM/ECF system, which
will send electronic notification of such filing to all counsel of record.

This 25th day of October, 2022.

/s/ Scott E. Zweigel
Scott E. Zweigel